HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 5358 of 2001 (SS)

Rashik Ali Khan vs. District Basic Shiksha Adhikari

Approved for reporting.

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~~Not approved for reporting~~

Date of decision. 10.12.2003

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Petition No. 5358 of 2001 (SS)
(Old No. 28589/1997)

Rashid Ali Khan …….. Petitioner

Versus

District Basic Shiksha Adhikari ..…….. Respondents

Dated: December 10, 2003

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of certiorari quashing the order dated 6.8.1997.

Brief facts giving rise to the present writ petition are that the respondent no.1 has issued a letter to the petitioner along with other candidates to appear in the examination to be held on 10.9.1995 in Government Girls Inter College, Rajpur Road, Dehradun. After examination all the candidates were declared successful. Thereafter the petitioner papered for interview before the Selection Committee on 6.11.1995.

The grievance of the petitioner is that after selection process is over, appointment letter was issued in his favour but his joining was not accepted.

At the time of admission of writ petition following order was passed:

"The version of the petitioner is that he was appointed on the post of Assistant Teacher in Urdu. The appointment letter was issued on 1st August 1997 (Annexure-5 to the writ petition). He was not permitted to join the institution. He filed writ petition no.5882 of 1997. The Court directed the Zila Basic Shisha Adhikari, Dehradun to decide the representation. The representation has been decided by the impugned order dated 14.5.1997. The order indicates that there is ban in the appointment and secondly that there is no vacant post of Assistant Teacher in the Institution.

The contention of learned counsel for the petitioner is that the post of Assistant Teacher in Urdu is still vacant. In case the post of Assistant Teacher in Urdu is vacant in any Institution within the District of Dehradun, the petitioner can be considered for appointment."

In view of the aforesaid order, the respondents are directed to consider the candidature of the petitioner for the post of Assistant

Teacher in Urdu in if the post is still lying vacant within the District of Dehradun.

The writ petition is disposed of in terms of the order dated 5.9.1997. No order as to costs.

10.12.2003 **(Rajesh Tandon, J.)**
Dhyani